

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 21
VETERINARIANS

54-2101. DECLARATION OF POLICY. This chapter is enacted as an exercise of the power of the state to promote the public health, safety and welfare by safeguarding the people and animals of this state by establishing and enforcing professional standards in the licensure and regulation of veterinary health professionals. It is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this chapter.

[54-2101, added 1971, ch. 173, sec. 1, p. 812; am. 1983, ch. 139, sec. 1, p. 337; am. 2009, ch. 84, sec. 1, p. 235.]

54-2102. SHORT TITLE. (1) This chapter shall be known as the Idaho Veterinary Practice Act.

(2) Except where otherwise indicated by context, in this chapter the present tense includes the past and future tenses and the future tense includes the present, each gender includes the other gender; and the singular includes the plural and the plural the singular.

[54-2102, added 1971, ch. 173, sec. 2, p. 812; am. 1983, ch. 139, sec. 2, p. 337; am. 1990, ch. 111, sec. 1, p. 222.]

54-2103. DEFINITIONS. As used in this chapter:

(1) "Accredited continuing education activity" means a provider and course, seminar, scientific program or any other activity approved by the board or its designees for continuing education credit.

(2) "Accredited or approved school of veterinary medicine" means any veterinary college or division of a university or college inside or outside the United States or Canada that offers the degree of doctor of veterinary medicine, veterinary medicine doctor, or its equivalent and is accredited or approved by the council on education of the American veterinary medical association or other accrediting agency or association approved by the board.

(3) "Allied health professional" means a person holding a current active license, in good standing, in any state to practice one (1) of the healing arts including, but not limited to, medicine, dentistry, osteopathy, chiropractic, acupuncture and podiatry.

(4) "Anesthetized" means any condition of general anesthesia, caused by the administration of a drug or combination of drugs in sufficient quantity to produce a state of unconsciousness or disassociation and blocked response to a given pain or alarm stimulus.

(5) "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.

(6) "Assistant" means any individual, other than a certified veterinary technician or a licensed veterinarian, who is utilized by a licensed veterinarian to assist in the performance of acts pertaining to the practice of veterinary medicine.

(7) "Board" means the state board of veterinary medicine.

(8) "Certified euthanasia agency" or "CEA" means a law enforcement agency, an animal control agency or a society for the prevention of cruelty to animals, which has been inspected and certified by the committee on humane euthanasia or the board.

(9) "Certified euthanasia technician" or "CET" means a person employed by a certified euthanasia agency who is instructed and certified by the committee on humane euthanasia or the board as defined in the rules of the board, but not to include an individual employed as a technician by animal research laboratories.

(10) "Certified veterinary technician" means a person who has fulfilled the certification requirements prescribed by board rule and has been certified by the board to practice veterinary technology in this state.

(11) "Consultation" means a deliberation between two (2) or more veterinarians concerning the diagnosis of a disease or the proper management of the case.

(12) "Credit hour" means fifty (50) minutes of participation in an accredited continuing education activity.

(13) "Dentistry" is the practice of veterinary medicine and means the application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue. Dentistry includes, but is not limited to:

(a) "Preventive dental procedures" including, but not limited to, the removal of calculus, soft deposits, plaque, stains, and floating to shape the teeth above the gum line or the smoothing, filing or polishing of tooth surfaces above the gum line; and

(b) "Operative dentistry/oral surgery" or any other dental procedure that invades the hard or soft oral tissue including a procedure that alters the structure of one (1) or more teeth, or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth.

(14) "Direct supervision" means the supervising veterinarian is on the premises where the animal is being treated, is quickly and easily available, and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(15) "Discipline" means board action including, but not limited to:

(a) Refusing to issue, renew or reinstate a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(b) Denial, revocation, suspension, sanction, probation or voluntary surrender of a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(c) The ability to enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia agencies and certified euthanasia technicians;

(d) The ability to bring an administrative or civil action against any person in or outside of this state who practices veterinary medicine, veterinary technology or who performs euthanasia within this state.

(16) "Emergency" means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

(17) "Emergency veterinary facility" means any facility with the primary function of receiving, treating, and monitoring emergency patients

during its specified hours of operation or that displays to the public any sign, card, or advertisement that indicates it is an emergency veterinary clinic or hospital. An emergency veterinary facility may be an independent after-hours service, an independent twenty-four (24) hour service, or it may be part of a full-service veterinary medical facility.

(18) "Committee on humane euthanasia" means a committee established by the board for the purposes of training, examining, certifying and inspecting certified euthanasia agencies and certified euthanasia technicians.

(19) "Extra label use" means the actual or intended use of a human or veterinary drug in an animal in a manner that is not in accordance with the drug's labeling.

(20) "Floating" means shaping the posterior (cheek) teeth and the incisors (cutting teeth) in horses, mules and donkeys through the use of hand floats, rasps, burs, mechanical files or other file-like instruments to restore balance, allow more efficient mastication, and reduce pain and trauma to the periodontal tissues.

(21) "Herd," "litter," or "flock" of animals means animals managed as a group for purposes including, but not limited to, breeding, sale, show or food production.

(22) "Immediate supervision" means the supervising veterinarian is in the immediate area, in audible and visual range of the animal patient and the person treating the patient, and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(23) "In good standing" means, when used in reference to an applicant for licensure or certification, that an applicant:

(a) Has not been the recipient of any administrative penalties regarding his practice of veterinary medicine including, but not limited to, fines, formal reprimands, license suspensions or revocations (except for license revocations for nonpayment of license renewal fees) or probationary limitations, or has not entered into any consent agreement or negotiated settlement that contains conditions placed by a board on his professional conduct and practice, including any voluntary surrender of a license; and

(b) Has never had his United States drug enforcement administration privileges restricted or revoked; and

(c) Is not currently under investigation by another veterinary licensing authority for acts that would provide a basis for disciplinary action in this state, as determined by the board; and

(d) Has no physical or mental impairment related to drugs or alcohol, or a finding of mental incompetence by a physician that would limit the applicant's ability to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public; and

(e) Has no criminal conviction record or pending criminal charge relating to an offense, the circumstances of which substantially relate to the practice of veterinary medicine or that is deemed relevant in accordance with section [67-9411](#) (1), Idaho Code. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the board in sufficient detail to enable the board to make a determination whether the record or charge is substantially related to the practice of veterinary medicine.

(24) "Indirect supervision" means the supervising veterinarian is not on the premises but is available for immediate contact by telephone, radio or

other means, has given either written or oral instructions for treatment of the animal patient, the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires, and the animal, if previously anesthetized, has recovered to the point of being conscious and sternal.

(25) "Legend/prescription drug" means any drug which, under federal law, regulation or rule, is required, prior to being distributed or delivered, to be labeled with one (1) of the following statements: "Caution: Federal law restricts this drug to be used by or on the order of a licensed veterinarian," or "Caution: Federal law prohibits dispensing without a prescription," or "RX Only," or a drug which is required by any applicable state or federal law, rule or regulation to be distributed or dispensed pursuant to a prescription only, or is restricted to use by licensed practitioners only.

(26) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

(27) "Malpractice" means, but is not limited to:

(a) Treatment in a manner contrary to accepted veterinary practices and with injurious results; or

(b) Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of the professional practice of veterinary medicine; or

(c) Failure to provide adequate supervision, except in an emergency situation; or

(d) Allowing an unqualified individual to perform a procedure that is part of the practice of veterinary medicine; or

(e) The negligent practice of veterinary medicine, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death.

(28) "Medical incompetence" means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients.

(29) "Mobile clinic" means a vehicle including, but not limited to, a camper, motor home, trailer or mobile home used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(30) "On-call emergency service" means a veterinary medical facility that is available to provide emergency veterinary services as requested if a veterinarian is available.

(31) "Owner/ownership" means ownership as defined by the laws of property and ownership, [chapter 1, title 55](#), Idaho Code, and [chapter 1, title 73](#), Idaho Code.

(32) "Person" means any individual, firm, partnership, association, joint venture, cooperative and corporation, or any other group or combination acting in concert, and whether or not acting as principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(33) "Physical or mental incompetence" means the veterinarian's ability to practice veterinary medicine with reasonable skill and safety is impaired by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other substance, or as a result of any mental or physical disability.

(34) "Practice of veterinary medicine" in this state, through telephonic, electronic or other means, regardless of the location of the

veterinarian, includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine and means:

(a) To directly or indirectly diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions, including the prescribing, dispensing, delivering or administering of any drug, medicine, biologic, apparatus application, anesthetic or other therapeutic or diagnostic substance or technique, or the use of any obstetrical procedure or any manual or mechanical procedure for artificial insemination, for testing or examining for pregnancy, fertility evaluation, embryo transplant, grading of fresh semen, or to render advice or recommendation with regard to any act described in this paragraph.

(b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (a) of this subsection.

(c) To use any title, words, abbreviations or letter in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in paragraph (a) of this subsection, except where such person is a licensed veterinarian.

(35) "Professional supervision" means the supervising veterinarian is in daily contact by telephone, radio or other means with the temporary licensee.

(36) "Referral" means the transfer of responsibility for diagnosis and treatment from the referring veterinarian to the receiving veterinarian, or from the referring veterinarian to the board-certified specialist, or from the referring veterinarian to an allied health professional.

(37) "Regular employee" means a person who performs services for the animal's owner other than, or in addition to, feeding, boarding, castrating and dehorning, but does not include independent contractors or agents.

(38) "Supervision" means the action or process of a supervising veterinarian in directing activities or a course of action for those individuals to whom activities or functions have been assigned or delegated.

(39) "Supervising veterinarian" means a licensed veterinarian utilizing the services of a temporary licensee, certified veterinary technician, veterinary technician, veterinary technician with a temporary certification, veterinary assistant, certified euthanasia technician, or as provided by rule. A supervising veterinarian shall be individually responsible and liable, regardless of the supervision provided, for all damages arising out of his own acts or omissions and for the performance of any acts and omissions pertaining to the practice of veterinary medicine that are delegated to the temporary licensee, certified veterinary technician, veterinary technician, veterinary assistant or certified euthanasia technician. Nothing herein shall be construed to deprive the board of its disciplinary authority with respect to the temporary licensees, certified veterinary technicians, veterinary technicians, veterinary assistants or certified euthanasia technicians.

(40) "Unethical or unprofessional conduct" means to knowingly engage in conduct of a character likely to deceive or defraud the public, false or misleading advertising or solicitation, obtaining any fee or compensation by fraud or misrepresentation, sharing office space and working in conjunction with any person illegally practicing veterinary medicine, employing either indirectly or directly an unlicensed or uncertified person to perform acts pertaining to the practice of veterinary medicine, except as provided by law

or rule, or the violation of any law or rules adopted by the board pertaining to unethical or unprofessional conduct, or that provide a code of professional conduct to be followed and carried out by persons licensed or certified by the board.

(41) "Unlicensed practice" means:

(a) The practice of veterinary medicine in this state, through telephonic, electronic or other means, regardless of the location of the veterinarian, without a valid, unexpired, unrevoked, and unsuspended active license or certification in this state to do so, except as provided by law or rule; or

(b) Representing oneself through offerings, advertisements or use of professional titles or designations as being qualified to practice veterinary medicine.

(42) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited or approved school of veterinary medicine or as otherwise provided by law or rule.

(43) "Veterinarian on call" means a veterinarian is not present at the veterinary medical facility but is able to respond within a reasonable time to requests for emergency veterinary services.

(44) "Veterinarian on premises" means a veterinarian is present at the veterinary medical facility and is prepared and qualified to render veterinary services.

(45) "Veterinary medical facility" means any premises, office, unit, structure, mobile unit, or area utilized for the practice of veterinary medicine other than the premises of an owner when used for treatment of the owner's animal.

(46) "Veterinary technician" means a person who has graduated from a veterinary technology program accredited or approved by the committee on veterinary technician education and activities of the American veterinary medical association or other accrediting agency approved by the board, or a person who has received equivalent training as set forth in the rules of the board.

(47) "Veterinary technology" means the performance of services within the practice of veterinary medicine by a person working under the direction of a supervising veterinarian to perform duties that require an understanding of veterinary medicine in order to carry out the orders of the veterinarian. Veterinary technology does not include prognosis, diagnosis, operative dentistry, deliberate tooth extraction procedures, or the prescribing of treatment or performing surgery of any kind.

[54-2103, added 1971, ch. 173, sec. 3, p. 812; am. 1983, ch. 139, sec. 3, p. 337; am. 1990, ch. 111, sec. 2, p. 223; am. 1991, ch. 138, sec. 1, p. 326; am. 1995, ch. 62, sec. 1, p. 145; am. 2000, ch. 122, sec. 1, p. 269; am. 2001, ch. 149, sec. 1, p. 525; am. 2006, ch. 139, sec. 1, p. 395; am. 2007, ch. 54, sec. 1, p. 126; am. 2009, ch. 82, sec. 1, p. 229; am. 2010, ch. 105, sec. 1, p. 207; am. 2013, ch. 79, sec. 1, p. 194; am. 2013, ch. 290, sec. 1, p. 762; am. 2016, ch. 119, sec. 1, p. 343; am. 2020, ch. 175, sec. 25, p. 529.]

54-2104. LICENSE A PREREQUISITE TO PRACTICE -- EXCEPTIONS. (1) No person may practice veterinary medicine in the state who is not an actively licensed veterinarian or the holder of a valid temporary permit issued by the board.

(2) This chapter shall not be construed to prohibit:

(a) A veterinarian employed by the federal, state or local government from performing his official duties specifically required under any lawful act or statute, except that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities.

(b) A person who is a regular student currently enrolled and in good standing in an accredited or approved school of veterinary medicine, veterinary science department or an educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of education or the United States department of education from performing duties or actions assigned by his instructors, or from working under the direct supervision of an actively licensed veterinarian during a school vacation period. The unsupervised or unauthorized practice of veterinary medicine by a student, even though on the premises of an accredited or approved school of veterinary medicine, veterinary science department, an educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of education or the United States department of education or at a veterinary medical facility, is prohibited.

(c) A person who is a regular student currently enrolled and in good standing in a nonaccredited or nonapproved educational institution, that holds a valid certificate of registration issued by the Idaho state board of education, from performing duties or actions assigned by his instructors. This exemption does not include surgery or the administration of controlled substances or legend/prescription drugs, unless specifically allowed by state or federal law, rule or regulation. The unsupervised or unauthorized personal practice of veterinary medicine by a student on the premises of a nonaccredited or nonapproved educational institution is prohibited.

(d) Idaho extension personnel from performing their official duties.

(e) A veterinarian holding a current, active license, in good standing, in another state, from consulting with a licensed veterinarian in this state.

(f) Any merchant or manufacturer from selling nonprescription and noncontrolled medicines, biologics, feed, medicated feed, appliances or other products for the prevention or treatment of animal and poultry diseases. Such merchants or manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or disease in order to advise treatment, use of drugs, medicines, appliances or products.

(g) A farmer, rancher or feedlot operator, including custom ranch or feedlot operators, and their regular employees, from caring for and treating animals within their possession or control, when such animals have been consigned by their legal owner and except where the ownership or possession of the animal was transferred or the employment changed to circumvent this chapter.

(h) The owner of an animal or his regular employees from caring for and treating the animals belonging to such owner, or livestock owners or regular employees pregnancy testing their own or employer's cattle or the exchange of services for which no monetary compensation is paid between owners or their regular employees, except where the ownership or possession of the animal was transferred or the employment changed to circumvent this chapter, and provided that only an actively licensed veterinarian may immunize or treat an animal for diseases which require

the use of a vaccine that is restricted by state or federal law, rules or regulations, or as otherwise provided by board rule. Notwithstanding the provisions of this paragraph, a veterinarian/client/patient relationship, as defined by rules, must exist when controlled substances or legend/prescription drugs are administered, distributed, dispensed or prescribed.

(i) A member of a faculty of an accredited or approved school of veterinary medicine, a veterinary science department, or an educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of education or the United States department of education, from performing his regular functions. The unsupervised or unauthorized personal practice of veterinary medicine, by a faculty member on the premises of any of the above institutions, is prohibited.

(j) Any person from selling or applying any pesticide, insecticide, or herbicide.

(k) A person lecturing or giving instructions or demonstrations at an accredited or approved school of veterinary medicine, veterinary science department or an educational institution accredited or approved by a national or regional accrediting agency recognized by the Idaho state board of education or the United States department of education, or in connection with an approved continuing education course or seminar.

(l) A member of a faculty of a nonaccredited or nonapproved educational institution, who holds a valid certificate of registration issued by the Idaho state board of education, from performing his regular functions. This exemption does not include surgery or the administration of controlled substances or legend/prescription drugs, unless specifically allowed by state or federal law, rule or regulation. The unsupervised or unauthorized personal practice of veterinary medicine by a faculty member on the premises of a nonaccredited or nonapproved educational institution is prohibited.

(m) Individuals employed as instructors or researchers by, or enrolled as students in, any bona fide medical research institution from conducting experiments and scientific research on animals:

(i) In the development of pharmaceuticals, biologicals, serums for treating human or animal ailments; or

(ii) In the development of methods of treatment or techniques for the diagnosis or treatment of human or animal ailments; or

(iii) When engaged in the study and development of methods and techniques directly or indirectly applicable to the practice of veterinary medicine, so long as such research is conducted in compliance with applicable state and federal laws, rules and regulations.

(n) Any person from performing artificial insemination of domestic animals as governed by [chapter 8, title 25](#), Idaho Code.

(o) Any person from horseshoeing or hoof trimming bovine, equine and farm animals.

(p) An allied health professional actively licensed and in good standing in any state from participating in a medical procedure involving an animal, provided that such participation is in his licensed field of medicine and under the indirect supervision of an actively licensed veterinarian.

(q) Any person from the gratuitous treatment of animals in an emergency as a neighborly act.

(r) Any state or federal livestock inspector from performing his official duties specifically required under any lawful act or statute, and provided that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities.

(s) A certified euthanasia agency from operating as a CEA as defined by law and rules.

(t) A certified euthanasia technician from performing those duties as defined by law and rules.

(u) Any person from utilizing cotton swabs, gauze, dental floss, dentifrice or toothbrushes to clean an animal's teeth.

(v) A certified veterinary technician from practicing veterinary technology under appropriate supervision, as defined by the rules of the board.

(w) An assistant or veterinary technician from performing acts pertaining to the practice of veterinary medicine under appropriate supervision, as defined by the rules of the board.

(x) The personal representative, executor or sole surviving heir of a licensed veterinarian from continuing to operate the veterinary medical practice of the deceased for a period of not more than three (3) years following death. This exception only applies where during such three (3) year period:

(i) Good faith efforts are being made to sell the veterinary medical practice; and

(ii) All the decisions pertaining to the diagnosis, care and treatment of the patients are made by an actively licensed veterinarian.

(y) A veterinarian with an active license in good standing from another state from practicing veterinary medicine on animals in the collection of a publicly owned zoo that is either licensed by the United States department of agriculture (USDA) as an exhibitor or is accredited by the association of zoos and aquariums (AZA), but only when the Idaho licensed veterinarian who regularly attends to these animals is unavailable or unqualified to render the services required. This exemption from licensure only applies after the out-of-state veterinarian notifies the board in writing: (1) where he will be practicing in Idaho; and (2) the expected duration of the practice. After the out-of-state veterinarian completes his services under this section, he must so notify the board in writing of that fact. Unless expressly extended by the board in its sound discretion, an exemption under this section is limited to a period of one (1) year from the initial notification date.

(3) Nothing in this section shall be construed as limiting the board's authority to provide other exemptions or exceptions to the requirements for licensing, under its rulemaking authority, as the board may find necessary or appropriate.

[54-2104, added 1971, ch. 173, sec. 4, p. 812; am. 1983, ch. 139, sec. 4, p. 338; am. 1990, ch. 111, sec. 3, p. 225; am. 1993, ch. 72, sec. 2, p. 190; am. 1995, ch. 62, sec. 2, p. 148; am. 2000, ch. 122, sec. 2, p. 275; am. 2001, ch. 149, sec. 2, p. 531; am. 2008, ch. 135, sec. 1, p. 378; am. 2010, ch. 105, sec. 2, p. 212; am. 2011, ch. 80, sec. 1, p. 169.]

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS. (1) A board of veterinary medicine, which shall consist of six (6) members to be appointed by and serve at the pleasure of the governor, is hereby created in the department of self-governing agencies. Five (5) members shall be veterinarians and one (1) member shall be a public member. Each of the five (5) veterinary members shall serve a term of four (4) years as a veterinary board member and a fifth year as a liaison officer, or until his successor is appointed. The public member shall serve for a term of three (3) years or until his successor is appointed.

Whenever the occasion arises for an appointment of a veterinary member under this section, the governor may consider recommendations for appointment to the board from the state veterinary medical association, one (1) of the regional veterinary medical associations, and from any individual residing in this state. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive terms, except in the case of a person appointed for less than a full term. Each of the five (5) veterinarians shall be qualified to serve as a member of the board if a graduate of an accredited or approved school of veterinary medicine or, if a graduate of a nonaccredited or nonapproved school, a letter from the educational commission for foreign veterinary graduates (ECFVG) certifying completion of the ECFVG program or a copy of their ECFVG certificate, or verification of successful completion of any educational equivalency program established for the purpose of evaluating an individual's educational knowledge and clinical skills as they relate to the practice of veterinary medicine, as approved and outlined by the rules of the board. In addition to verification of graduation from an accredited or nonaccredited school of veterinary medicine, each of the five (5) veterinary members shall be a resident of this state, and have been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of appointment. The public member shall be at least twenty-one (21) years of age and a resident of this state for five (5) years immediately preceding appointment. No person may serve on the board who is, or was, during the two (2) years preceding appointment, a member of the faculty or trustees of an accredited school of veterinary medicine.

(2) Each member of the board and committee on humane euthanasia shall be compensated as provided by section [59-509](#)(n), Idaho Code.

(3) Any member of the board may be removed by the governor at his discretion.

(4) The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by state statute or rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except as otherwise provided by the open meeting law, [chapter 2, title 74](#), Idaho Code.

(5) The board member serving the fourth year of appointment shall be the president of the board and shall serve as chairman at the board meetings.

(6) The veterinary board member serving the fifth year of appointment shall be the liaison officer of the board and shall render advice, review and mediate complaints, and perform other tasks assigned by the board.

(7) All revenues received under this chapter shall be paid to the state board of veterinary medicine account created in section [54-2121](#), Idaho Code,

and shall be subject to and administered in accordance with the provisions of this chapter.

(8) The responsibility for enforcement of the provisions of this chapter is hereby vested in the board. The board shall have all of the duties, powers and authority specifically granted by or necessary for the enforcement of this chapter and the rules made pursuant thereto, as well as such other duties, powers and authority as it may be granted from time to time by applicable law. The powers vested in the board shall include, but are not limited to:

(a) Establish qualifications and prescribe the application format for issuance or renewal of a license to practice as a veterinarian and certification to practice as a veterinary technician, euthanasia agency or euthanasia technician, review each application for compliance with the licensure and certification requirements, issue, renew or deny licenses and certifications. Upon a showing of good cause by a licensee or certificate holder to the board, the board may grant an extension of time for submission of the required application or renewal documentation, including the required number of continuing education hours, as set forth by this chapter or the rules of the board.

(b) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine, or certification to practice veterinary technology or as a euthanasia technician or operate as a certified euthanasia agency in the state.

(c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, restrict, limit, place on probation, require voluntary surrender of, or revoke any licenses, certifications or temporary permits or certifications to practice veterinary medicine, veterinary technology or euthanize animals in the state, and may fine and impose other forms of discipline, and enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia technicians and certified euthanasia agencies consistent with the provisions of this chapter and the rules adopted hereunder. Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed under the applicable provisions of [chapter 52, title 67](#), Idaho Code.

(d) Establish a schedule of fees for licensing, certifying and registering veterinarians, veterinary technicians, euthanasia agencies and euthanasia technicians, as well as for the review, approval and administration of national licensing and certification examinations.

(e) In addition to the fees specifically provided for herein, the board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this chapter or rules adopted hereunder. Such services rendered shall include, but not be limited to, the following:

- (i) Issuance of duplicate licenses or certificates;
- (ii) Mailing lists or reports of data maintained by the board;
- (iii) Copies of any documents;
- (iv) Verification of license or certification status;
- (v) Examination review, approval and administration; and
- (vi) Examination materials.

(f) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of veterinary medicine or veterinary technology or the euthanizing of animals. Complaints not filed within one (1) year after the alleged unlawful conduct occurs will not be investigated. If the alleged unlawful conduct is of a continuing nature, the date of the occurrence of such conduct shall be deemed to be any date subsequent to the commencement of the unlawful conduct up to and including the date on which the complaint is filed so long as the alleged unlawful conduct continues.

(g) Initiate and conduct disciplinary hearings or proceedings on its own or through its designated hearing officer, provided such hearings and proceedings shall be held in conformance with the provisions of [chapter 52, title 67](#), Idaho Code, and in connection thereto, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one (1) or more of its members or a person appointed by the state board of veterinary medicine to serve as its hearing officer.

(h) Employ an executive director who shall be responsible for the performance of the administrative functions of the board and such other duties as the board may direct. The board may also employ or contract with other individuals to provide professional, clerical or other services deemed necessary by the board to effectuate the provisions of this chapter and the rules of the board, and purchase or rent necessary office space, equipment and supplies. The compensation of the executive director and other personnel shall be determined by the board and the executive director shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code.

(i) Appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or outside the state where such representation is deemed desirable.

(j) Bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto.

(k) For purposes of enforcement of the provisions of this chapter and any rules duly promulgated hereunder, including the levying of civil penalties, assessment and collection of fines, and recovery of costs and paralegal, hearing officer and attorney's fees incurred by the board in investigation and prosecution of complaints, the board shall maintain jurisdiction over individuals, irrespective of their license or certification status (i.e., active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints and investigations which occurred during the licensure or certification period. Jurisdiction of the board shall also extend to all individuals engaged in the practice of veterinary medicine, veterinary technology or practicing as a certified euthanasia agency or certified euthanasia technician in this state as defined in section [54-2103](#), Idaho Code. It is the intent of this subsection that the board's jurisdiction should extend to all licensed or unlicensed or certified or uncertified individuals and that licensees and certification holders cannot divest the board of jurisdiction by changing, surrendering or relinquishing licensure or certification status.

(l) Establish a committee on humane euthanasia for the purposes of training, examining, licensing and certifying euthanasia agencies and euthanasia technicians and assess application, training workshop and certification fees. The fees so assessed are continuously appropriated to the board to support the activities of the committee.

(m) Adopt, amend or repeal all sections of this chapter and rules necessary for its government and all rules necessary to carry into effect the provisions of this chapter pursuant to the Idaho administrative procedure act, [chapter 52, title 67](#), Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

(n) Conduct probationary or other practice and facility inspections necessary for enforcement of this chapter or the rules duly promulgated hereunder or any order, negotiated settlement or probationary agreement of the board and issue administrative citations to alleged violators.

[54-2105, added 1971, ch. 173, sec. 5, p. 812; am. 1974, ch. 13, sec. 152, p. 138; am. 1976, ch. 166, sec. 17, p. 610; am. 1980, ch. 247, sec. 68, p. 635; am. 1983, ch. 139, sec. 5, p. 339; am. 1990, ch. 111, sec. 4, p. 226; am. 1991, ch. 138, sec. 2, p. 328; am. 1992, ch. 280, sec. 1, p. 857; am. 1995, ch. 62, sec. 3, p. 150; am. 1996, ch. 237, sec. 3, p. 767; am. 2000, ch. 122, sec. 3, p. 278; am. 2001, ch. 149, sec. 3, p. 534; am. 2007, ch. 54, sec. 2, p. 131; am. 2008, ch. 135, sec. 2, p. 381; am. 2008, ch. 204, sec. 1, p. 655; am. 2010, ch. 130, sec. 1, p. 276; am. 2011, ch. 78, sec. 1, p. 163; am. 2016, ch. 119, sec. 2, p. 348; am. 2016, ch. 340, sec. 26, p. 945.]

54-2106. EMERGENCY VETERINARY FACILITIES -- ON-CALL EMERGENCY SERVICES -- REQUIREMENTS. The following requirements shall apply to:

(1) Emergency veterinary facilities:

(a) All advertisements for such facilities shall specify and clearly state the hours of operation and the address and telephone number of the facility; and

(b) At least one (1) veterinarian and a qualified staff member shall be on the premises during all stated hours of operation. A sufficient quantity of instrumentation, medications and supplies, and sufficient number of additional veterinarian(s) and support staff, as required to provide an appropriate level of emergency care, shall be on the premises during all stated hours of operation.

(2) On-call emergency services:

(a) All advertisements for such services shall specify and clearly state that the emergency services are provided on an on-call basis and that there is no veterinarian on premises other than during regular hours of operation; and

(b) Shall not be advertised as an emergency veterinary facility.

[54-2106, added 2006, ch. 139, sec. 2, p. 401.]

54-2107. LICENSE APPLICATION -- CONTENTS -- FEE. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board and shall bear the burden of substantiating to the board the license application requirements. To apply for a veterinary license, the applicant shall complete the "application for licensure to prac-

tice veterinary medicine and surgery" available from the board office. A completed application shall contain the applicant's notarized signature and shall include:

(1) A copy of a birth certificate or current passport proving that the applicant is twenty-one (21) years of age or more.

(2) Notarized affidavits issued during the year preceding licensure from two (2) veterinarians currently licensed and in good standing in any state attesting to the fact that the applicant is of good moral character.

(3) A certified copy of a veterinary school diploma or transcript from an accredited or approved school of veterinary medicine or a letter from an accredited or approved school of veterinary medicine verifying satisfactory graduation by the applicant or, if a graduate of a nonaccredited or nonapproved school, a letter from the educational commission for foreign veterinary graduates (ECFVG) certifying completion of the ECFVG program or a copy of the ECFVG certificate or by completion of any educational equivalency program established for the purpose of evaluating an individual's educational knowledge and clinical skills as they relate to the practice of veterinary medicine, and as approved and outlined by the rules of the board.

(4) Passing scores on the national examinations developed by the national board examination committee, its designee or any other examination committee or organization approved by the board, including, but not limited to: the national board examination (NBE) and the clinical competency test (CCT), or the north American veterinary licensing examination (NAVLE), which may be taken in any state.

(5) After November 1, 2000, applicants who have taken their national examinations prior to this date and have not taken and passed the clinical competency test (CCT) may, in lieu of a passing score on the CCT, provide the following documentation from the licensing board in the state in which they are currently actively practicing or from the veterinary information verifying agency of the American association of veterinary state boards:

(a) Verification of seven (7) years of continuous, active practice in the same state or states where they have practiced for the past seven (7) years immediately preceding application for licensure in this state, and provided that the requirements for licensure in the state or states are similar to those in Idaho; and

(b) Verification of no disciplinary action taken against the applicant's license to practice veterinary medicine during the same seven (7) year period immediately preceding application for a veterinary license in this state.

(c) The practice of applicants licensed under this provision will be limited to the same fields of veterinary medicine as they have practiced in another state or states during the seven (7) year period immediately preceding application for a veterinary license in this state.

(6) A passing score of at least ninety percent (90%) correct on the Idaho jurisprudence examination.

(7) Written verification of license in good standing from the licensing organization in any state or states in which the applicant has held a license or as provided by the veterinary information verifying agency of the American association of veterinary state boards.

(8) The license application fee and first year's license fee in the amount established in the rules adopted by the board.

(9) Any additional information that the board may request.

(10) Application materials will be valid and maintained at the board office for a period of one (1) year.

The board will review applications and issue licenses in January and June of each year. Applicants shall have their completed applications at the board office by the first day of January or June, except as specified in other sections of this chapter or by board rule. If an applicant is found not qualified, the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant denied licensure may request a hearing pursuant to the procedures set forth in [chapter 52, title 67](#), Idaho Code. Any applicant who is denied licensure shall be allowed the return of the license fee portion of the application fee.

Any applicant taking and passing the Idaho jurisprudence examination and not wanting to be licensed at the next review by the board, shall be allowed the return of the license fee portion of the application fee only.

[54-2107, added 1971, ch. 173, sec. 7, p. 812; am. 1976, ch. 166, sec. 18, p. 612; am. 1983, ch. 139, sec. 7, p. 341; am. 1990, ch. 111, sec. 6, p. 228; am. 1993, ch. 72, sec. 3, p. 191; am. 1995, ch. 62, sec. 5, p. 152; am. 2000, ch. 122, sec. 4, p. 281; am. 2001, ch. 149, sec. 4, p. 537.; am. 2010, ch. 103, sec. 1, p. 200.]

54-2108. CRIMINAL BACKGROUND CHECKS FOR LICENSURE. (1) All applicants for original licensure or certification, or for reinstatement after the license or certification has lapsed pursuant to section [54-2112](#)(3), Idaho Code, must submit to a fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database.

(2) For purposes of complying with this section, each such applicant must:

(a) Submit to the Idaho board of veterinary medicine a full set of the applicant's fingerprints for forwarding to the Idaho state police for appropriate processing by the Idaho state police and the federal bureau of investigation; and

(b) Submit to the Idaho board of veterinary medicine for forwarding to the Idaho state police and the federal bureau of investigation the full amount of the processing fees charged by these agencies.

(3) This section shall apply to individuals only. This section shall not apply to entities applying for a certificate as a certified euthanasia agency.

[54-2108, added 2009, ch. 83, sec. 1, p. 234.]

54-2110. LICENSE WITHOUT CLINICAL COMPETENCY TEST (CCT). (1) The board may, upon payment of the fee prescribed under section [54-2107](#), Idaho Code, license without the clinical competency test (CCT) any person who is a diplomate with current certification from a specialty board approved by the American veterinary medical association. The applicant shall fulfill all requirements for licensure with the exception of a passing score on the clinical competency test (CCT) and shall provide verification of a current certification from a specialty board approved by the American veterinary medical association. The veterinary practice of any person who is licensed pursuant to this subsection is limited to referrals in the specialty in which the person is board certified.

(2) After November 1, 2000, the board may, upon payment of the fee prescribed under section [54-2107](#), Idaho Code, license without the clinical competency test (CCT) any person who has taken their national examinations prior to this date and has not taken and passed the CCT but has fulfilled, in addition to the other requirements for licensure, the requirements of section [54-2107](#)(5), Idaho Code.

(3) The board may require a personal interview of any or all applicants under this section.

[54-2110, added 1990, ch. 111, sec. 9, p. 230; am. 1993, ch. 72, sec. 4, p. 192; am. 2000, ch. 122, sec. 5, p. 283; am. 2001, ch. 149, sec. 5, p. 539.]

54-2111. TEMPORARY PERMIT. The board may, at its discretion, issue a temporary permit to an applicant who has passed the NBE and Idaho jurisprudence exam but who has not yet taken the CCT, or to a new graduate, or a currently practicing veterinarian licensed in another state or states, who has fulfilled the requirements for licensure in this state or to a graduate of a nonaccredited or nonapproved school of veterinary medicine that has fulfilled the requirements of section [54-2107](#), Idaho Code, and the rules of the board. Temporary permits shall be valid until the next license application review by the board or for no more than one (1) year, during which time the applicants issued a temporary permit without having taken the CCT or fulfilling the requirements of section [54-2107](#)(5), Idaho Code, shall take and pass the CCT. Under no circumstances shall a second temporary permit be issued to the same person, except in the case of a temporary permit issued to a graduate of a nonaccredited or nonapproved school of veterinary medicine, which may be renewed for up to three (3) years. If, at the end of the three (3) year period, the applicant has completed the requirements of the approved educational equivalence program, but has not received official notification, the expiration date for the temporary permit may be extended until official notification is received. A temporary permit shall not be issued to any applicant whose license has been revoked in any state for a reason other than nonpayment of license renewal fees. An applicant granted a temporary permit shall provide verification that during the twelve (12) months immediately preceding issuance of the temporary permit he has been in active veterinary practice in another state or shall work under the professional supervision of an actively licensed veterinarian. Pursuant to United States department of agriculture veterinary services memorandum number 572.1, an applicant working under a supervised temporary permit will not be allowed to become federally accredited in Idaho until the first year's license has been granted.

[(54-2111) 1983, ch. 139, sec. 11, p. 343; 1990, am. and redesignated, ch. 111, sec. 10, p. 236; am. 1993, ch. 72, sec. 5, p. 193; am. 1995, ch. 62, sec. 6, p. 153; am. 2000, ch. 122, sec. 6, p. 283; am. 2001, ch. 149, sec. 6, p. 539.]

54-2112. EXPIRATION OF LICENSE OR CERTIFICATION -- NOTICE -- RENEWAL -- INACTIVE STATUS. (1) All licenses and certifications shall expire annually on July 1 unless renewed in a timely manner by submission of the annual renewal form prescribed by the board, proof of completion of the appropriate hours of continuing education, by meeting other requirements as defined in

the rules adopted by the board and payment of the renewal fee established and published by the board.

(2) An expired license or certification may be reinstated by paying the established late fee and renewal fee, and by fulfilling the other requirements of this section.

(3) An expired license or certification not reinstated prior to August 1 will lapse. Individuals whose licenses or certifications have lapsed must make application to the board as if for a new license or certification.

(4) Once a license or certification has expired or lapsed, the person or agency may not practice veterinary medicine or veterinary technology or function as a certified euthanasia technician or agency until the license or certification has been reinstated or until the person or agency has applied for and received a new license or certification.

(5) Any veterinarian licensed in Idaho or veterinary technician certified in Idaho who advises the board, in writing, that he wishes to remain licensed or certified in this state, but does not intend to actively practice veterinary medicine or veterinary technology in the state of Idaho and therefore does not intend to meet the licensing or certification requirements for an active license or certification, shall be transferred from active to inactive status and shall be required to pay inactive status fees as prescribed in the rules of the board. Any person may transfer from inactive to active status by making written application for reinstatement to active status, paying all required fees and by meeting other requirements for reinstatement as defined in the rules of the board.

[54-2112, added 1971, ch. 173, sec. 11, p. 812; am. 1974, ch. 13, sec. 154, p. 138; am. 1983, ch. 139, sec. 12, p. 343; 1990, am. and redesign. ch. 111, sec. 11, p. 231; am. 1993, ch. 72, sec. 6, p. 193; am. 1995, ch. 62, sec. 7, p. 153; am. 2000, ch. 122, sec. 7, p. 284; am. 2001, ch. 149, sec. 7, p. 540; am. 2007, ch. 54, sec. 3, p. 135; am. 2015, ch. 100, sec. 1, p. 241.]

54-2113. CORPORATE PRACTICE. (1) A veterinary medical practice may be conducted only as a sole proprietorship, as a partnership or as a professional entity as defined in part 9, [chapter 21, title 30](#), Idaho Code. No business corporation, other than a professional entity, shall be organized for the practice of veterinary medicine or shall provide veterinary medical services.

(2) A not-for-profit corporation may own property in connection with a veterinary medical facility or animal shelter, provided that an actively licensed veterinarian makes all the decisions pertaining to diagnosis, care and treatment of the patients.

[54-2113, added 2000, ch. 122, sec. 8, p. 284; am. 2015, ch. 251, sec. 8, p. 1050.]

54-2114. UNAUTHORIZED PRACTICE A MISDEMEANOR. (1) Anyone not authorized to practice veterinary medicine under this chapter in which an active veterinary license in this state is a prerequisite to practice, who does practice or offers to practice or holds himself out as being able to practice veterinary medicine, or who practices veterinary medicine as an exempt person during the time when his license is expired, suspended, revoked or annulled, shall be practicing in violation of this chapter and is subject to the provisions of section [54-2118](#), Idaho Code.

(2) Any licensed veterinarian that aids or abets an unlicensed or uncertified person to practice veterinary medicine or employs or holds such unlicensed person out as being able to practice veterinary medicine, shall be subject to the provisions of sections [54-2115](#) and [54-2118](#), Idaho Code.

(3) Anyone not authorized to practice veterinary medicine under this chapter in which an active veterinary license in this state is a prerequisite to practice, who offers services in the field of veterinary medicine to an individual in this state, through telephonic, electronic or other means, regardless of the location or profession of this individual, shall be practicing in violation of this chapter and be subject to the provisions of section [54-2118](#), Idaho Code.

[54-2114, added 2000, ch. 122, sec. 9, p. 285; am. 2001, ch. 149, sec. 8, p. 541.]

54-2115. GROUNDS FOR DISCIPLINE. The board may refuse to issue, renew or reinstate the license of a veterinarian, or may deny, revoke, suspend, sanction, reprimand, restrict, limit, place on probation or require voluntary surrender of, the license of a veterinarian, and may fine and impose other forms of discipline and enter into consent agreements and negotiated settlements with any licensed veterinarian pursuant to the procedures set forth in [chapter 52, title 67](#), Idaho Code, for any or all of the following reasons:

(1) The employment of fraud, misrepresentation of a material fact or deception by an applicant or licensee in:

(a) Securing or attempting to secure the issuance or renewal of a license; or

(b) Statements regarding the veterinarian's skills or efficacy or value of any treatment provided or to be provided or using any false, fraudulent, misleading or deceptive statement connected with the practice of veterinary medicine including, but not limited to, false or misleading advertising.

(c) Participating in a breach of the north American veterinary licensing examination (NAVLE). The following activity is a violation and constitutes grounds for discipline under this subsection:

(i) Written notification from the national board examination committee (NBEC), or its designee, that the NBEC has nullified the NAVLE score of the applicant or licensee because the applicant or licensee has admitted cheating or committing other improprieties in the taking, administering or processing of the NAVLE; or

(ii) Written notification from the NBEC, or its designee, that the NBEC has obtained a court judgment against the applicant or licensee after proving allegations that the applicant or licensee cheated or committed other improprieties in the taking, administering or processing of the NAVLE.

(2) Unethical or unprofessional conduct, as defined by section [54-2103](#), Idaho Code, the rules of the board, and the code of professional conduct established by the rules of the board.

(3) Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in this state or any other state of one (1) or more of the following:

(a) Any felony as defined in [chapter 1, title 18](#), Idaho Code;

- (b) Any other criminal act which in any way is related to the practice of veterinary medicine as defined by section [54-2103](#), Idaho Code; or
- (c) Any violation of any federal or state statute, rule or regulation regulating narcotics, dangerous drugs or controlled substances.
- (4) Medical incompetence in the practice of veterinary medicine, as defined by section [54-2103](#), Idaho Code.
- (5) Physical or mental incompetence, in the practice of veterinary medicine, as defined in section [54-2103](#), Idaho Code.
- (6) Malpractice or negligence, in the practice of veterinary medicine, as defined in section [54-2103](#), Idaho Code.
- (7) Aiding or abetting an unlicensed or uncertified person to practice veterinary medicine or veterinary technology or employing or holding such unlicensed person out as being able to practice veterinary medicine or veterinary technology.
- (8) Fraud, dishonesty, failure to report, or gross negligence in the inspection of animals and animal products intended for human consumption, issuance of health or inspection certificates, in the application, vaccination, treatment or reporting of any test for disease in animals, and in reporting any contagious or infectious disease.
- (9) Failure to comply with the veterinary standards of practice, as established by board rule.
- (10) Failure to comply with the recordkeeping requirements, as established by the rules of the board.
- (11) Cruelty to animals including, but not limited to, the intentional and malicious infliction of pain, physical suffering, injury or death, performance of experimental treatments without the owner's consent, deprivation of necessary sustenance, withholding of appropriate pain medications or levels of pain medications, or the administration of unnecessary procedures and treatment.
- (12) Infliction of pain on any animal in self-defense, or to prevent physical harm to others, or in accordance with local custom and culture in moving, handling, treating, dehorning, castrating or performing other procedures on livestock, shall not be considered cruel or physically abusive unless done in an unnecessary or intentionally malicious manner. This provision does not alter section [25-3514](#), Idaho Code.
- (13) Revocation, suspension, disciplinary sanction, other adverse action, or failure to report any such adverse action to the board, including voluntary surrender of a license or certificate by virtue of which one is licensed to practice veterinary medicine in that jurisdiction or country on grounds other than nonpayment of renewal fees.
- (14) Falsifying or failing to fulfill the continuing education requirements, as established by the rules of the board.
- (15) The use, prescription or sale of any controlled substance, veterinary legend/prescription drug or prescription of an extra-label use for any human or veterinary drug without a valid veterinarian/client/patient relationship.
- (16) Charging for services which were not rendered, charging for services that were not documented in the patient's records, or charging for services that were not consented to by the owner of the patient or the owner's agent.
- (17) Failure to timely furnish details of a patient's medical record to another veterinarian, hospital, clinic, owner or owner's agent.

(18) Failure of any applicant or licensee to cooperate with the board during any investigation, even if such investigation does not personally concern the applicant or licensee.

(19) Failure to comply with the terms of any order, negotiated settlement or probationary agreement of the board or to pay the costs assessed in a disciplinary matter pursuant to section [54-2105](#), Idaho Code.

(20) Failure to comply with the terms for renewal or to timely pay license, certification or registration renewal fees, as specified by section [54-2112](#), Idaho Code, and the rules of the board.

(21) Failure of a licensed veterinarian to exercise proper supervision, as defined by the rules of the board, when supervising a temporary licensee or holder of a temporary certification, a certified veterinary technician, a veterinary technician, a veterinary assistant, a certified euthanasia technician or other person, except in an emergency situation as defined in section [54-2103](#), Idaho Code.

(22) Delegation of an act pertaining to the practice of veterinary medicine or veterinary technology to an unqualified person, regardless of the supervision provided.

(23) Aiding or abetting or violating any of the provisions of this chapter or any lawful rule or order of the board.

[(54-2115) 1971, ch. 173, sec. 12, p. 812; am. 1983, ch. 139, sec. 13, p. 344; 1990, am. and redesignated, ch. 111, sec. 12, p. 231; am. 1993, ch. 71, sec. 1, p. 188; am. 1995, ch. 62, sec. 8, p. 154; am. and redesignated 2000, ch. 122, sec. 10, p. 285; am. 2001, ch. 149, sec. 9, p. 541; am. 2007, ch. 54, sec. 4, p. 136; am. 2010, ch. 105, sec. 3, p. 214; am. 2011, ch. 79, sec. 1, p. 166.]

54-2115A. MAXIMUM TIME PERIODS FOR SUSPENSION, REVOCATION AND REAPPLICATION. The board is authorized to enter an order that suspends or revokes an existing license or certification based upon a violation of the provisions of [chapter 21, title 54](#), Idaho Code, or a board rule, for a maximum period of ten (10) years. In the event the board enters an order that denies an application for licensure or certification, the board is authorized to impose a restriction on reapplication for a maximum period of up to ten (10) years.

[54-2115A, added 2011, ch. 93, sec. 1, p. 202.]

54-2116. JUDICIAL REVIEW. Any party aggrieved by a decision of the board may seek judicial review of the decision pursuant to the administrative procedure act, [chapter 52, title 67](#), Idaho Code.

[(54-2116) 1971, ch. 173, sec. 14, p. 812; 1990, redesignated, ch. 111, sec. 14, p. 233; am. 1993, ch. 216, sec. 76, p. 654; am. 1995, ch. 62, sec. 10, p. 155; am. and redesignated 2000, ch. 122, sec. 11, p. 287.]

54-2117. RELICENSING AND REINSTATEMENT. Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time with or without an examination, by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

In reinstating a license which has been suspended or revoked under section [54-2115](#), Idaho Code, the board may impose terms and conditions to be followed by the licensee after the license has been reinstated. The author-

ity of the board to impose terms and conditions includes, but is not limited to, the following:

(1) Requiring the licensee to obtain additional professional training and to pass an examination upon completion of the training.

(2) Requiring the licensee to pass an oral, written, practical or clinical examination, or any combination thereof to determine present fitness to engage in the practice of veterinary medicine.

(3) Restricting or limiting the extent, scope, or type of practice of the licensee.

(4) Requiring the licensee to obtain professional counseling and undergo and maintain treatment and testing for alcohol or drug related problems.

[(54-2117) 1971, ch. 173, sec. 15, p. 812; am. 1983, ch. 139, sec. 15, p. 345; 1990, am. and redesignated, ch. 111, sec. 15, p. 233; am. 1995, ch. 62, sec. 11, p. 155; am. and redesignated 2000, ch. 122, sec. 12, p. 287.]

54-2118. VIOLATIONS OF CHAPTER -- REMEDIES AND PENALTIES. In addition to the disciplinary actions set forth in section [54-2115](#), Idaho Code:

(1) Administrative actions.

(a) Any person violating the provisions of this chapter, or violating a rule promulgated by the board to implement the provisions of this chapter, may be fined by the board or its duly authorized agent not more than five thousand dollars (\$5,000) for each offense; provided that each act on each day of violation shall constitute a separate offense. Imposition of a fine may be made in conjunction with any other board administrative action. No fine may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act. If a person fined fails to fully pay the fine, investigatory expenses or reasonable paralegal and attorney's fees, the board may recover such amount by action in the appropriate district court. Any assessment for costs and attorney's fees incurred in the investigation and prosecution or defense of a person under this chapter shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

(b) The board may establish alternatives to formal disciplinary action for violations of this chapter or board rules that may include a practice remediation program to educate and remediate licensees and certificate holders as a result of practice deficiencies. An alternative to formal discipline may be offered by the board's liaison officer to a licensee or certificate holder when the officer has determined, in his sound discretion, after consultation with and approval of the board president or vice president if the president is unavailable, that animal and public safety will not be compromised and the violation can most appropriately be resolved without formal discipline. To further the purposes of an alternative to discipline, it will be offered only by or through the liaison officer and, unless the person violates its terms, the full board will not be informed of the alternative to discipline or have to expressly approve its terms. An alternative to formal discipline shall not be available and may not be offered by the liaison officer in any of the following circumstances:

(i) Within the preceding five (5) years, the person has been formally disciplined by the board or been the subject of an alternative to discipline under this subsection;

- (ii) The person is currently on probation by the board;
- (iii) The person is currently under investigation by the board for any other offense;
- (iv) Felony charges are pending against the person, or the person is the subject of a current criminal investigation involving allegations that, if verified, may reasonably be expected to affect the person's qualifications or eligibility to remain licensed or certified under this chapter; or
- (v) The act or omission committed by the person:
 - 1. Caused significant harm to an animal;
 - 2. Created a substantial risk likely to cause significant harm to an animal; or
 - 3. Involved fraud or deception.

Among other terms and conditions, an alternative to formal discipline may require the licensee or certificate holder to comply with the instructions of the board's liaison officer on remedying the violation, pay a monetary civil penalty to the board of up to one thousand dollars (\$1,000) and pay all board investigative expenses and costs associated with the file, if warranted under section [12-117](#)(5), Idaho Code.

Upon successful completion of the terms and conditions of the alternative to discipline, the violation shall not be considered "discipline," shall not be reported to any national disciplinary database, and documents and records related to the violation shall be exempt from disclosure under [chapter 1, title 74](#), Idaho Code.

(2) Civil court proceedings. The board, the attorney general's office, a county prosecuting attorney or any citizen of this state may bring an action in the district court of either Ada county or any county where a violation is occurring, to enjoin any person from practicing veterinary medicine or practicing as a certified veterinary technician, certified euthanasia technician or any agency operating as a certified euthanasia agency without a currently valid, active license, certification, temporary permit or temporary certification. If the court finds that the person is violating the provisions of this chapter, it shall enter an injunction restraining that person from such unlawful acts.

(3) Criminal actions. Any person who practices veterinary medicine, any person practicing as a certified veterinary technician, a certified euthanasia technician or any agency operating as a certified euthanasia agency without a currently valid, active license, certification, temporary permit or temporary certification shall be guilty of a misdemeanor and upon conviction or withheld judgment shall be fined not less than one hundred dollars (\$100), nor more than ten thousand dollars (\$10,000), or incarcerated for no more than one hundred eighty (180) days, or both fined and incarcerated, and provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(4) The remedies set forth in this section are not mutually exclusive and a successful action on any one (1) remedy does not preclude action on some or all of the other remedies.

[(54-2118) 54-2117, 54-2116, added 1971, ch. 173, sec. 16, p. 812; am. 1983, ch. 139, sec. 16, p. 345; am. and redesisg. 1990, ch. 111, sec. 16, p. 233; am. 1995, ch. 62, sec. 12, p. 156; am. and redesisg. 2000, ch. 122, sec. 13, p. 288; am. 2001, ch. 149, sec. 10, p. 543; am. 2010, ch. 104, sec. 1, p. 201; am. 2015, ch. 141, sec. 145, p. 492; am. 2016, ch. 343, sec. 1, p. 980; am. 2018, ch. 348, sec. 13, p. 811.]

54-2119. ADMINISTRATION AND ENFORCEMENT OF CHAPTER. This chapter shall be administered by the board.

[(54-2119) 1971, ch. 173, sec. 17, p. 812; am. 1974, ch. 13, sec. 156, p. 138; am. 1983, ch. 139, sec. 17, p. 346; 1990, redesignated, ch. 111, sec. 17, p. 234; am. and redesignated 2000, ch. 122, sec. 14, p. 289.]

54-2120. ATTORNEY GENERAL'S OFFICE TO ADVISE AND REPRESENT. The attorney general's office of the state of Idaho shall represent the board and shall give opinions on all questions of law arising out of the administration of the laws which it shall administer, and to act for, and on behalf of the board in all actions brought for or against it under the provisions of this chapter, or as otherwise provided by law.

[(54-2120) 1983, ch. 139, sec. 18, p. 346; 1990, redesignated, ch. 111, sec. 18, p. 234; am. and redesignated 2000, ch. 122, sec. 15, p. 289.]

54-2121. CREATION OF STATE BOARD OF VETERINARY MEDICINE ACCOUNT. All moneys, including civil penalties collected under the provisions of this chapter shall be deposited in the state treasury to the credit of a separate account to be known as the "state board of veterinary medicine account," and all moneys as are now in or may hereafter come into the account are hereby appropriated to the board for carrying out the purposes and objectives of this chapter, and to pay all costs and expenses incurred in connection with the provisions of this chapter. All moneys in the occupational licenses account belonging to the state board of veterinary medicine as of July 1, 1983, are hereby transferred and appropriated to the state board of veterinary medicine account hereby created. Moneys shall be paid out of the account upon warrants drawn by the state controller upon presentation of proper vouchers approved by the board.

[(54-2121) 1983, ch. 139, sec. 19, p. 346; 1990, am. and redesignated, ch. 111, sec. 19, p. 235; am. 1994, ch. 180, sec. 103, p. 495; am. and redesignated 2000, ch. 122, sec. 16, p. 289.]